

REMARKS

I. Status of the Application

Claims 1-19 were pending in the application prior to this submission. All of claims 1-19 have been rejected by the Examiner in the current non-final Office Action.

By this amendment, claims 1, 3, 10, 12, 14, 16 and 18 have been amended. No new matter has been introduced, and thus, entry and consideration of this Amendment is respectfully requested.

II. Objections

The Examiner objected to the title. Applicant has amended the title and respectfully requests that the objection now be withdrawn.

III. Rejections under 35 U.S.C. § 101

Claims 16 and 18 have been rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 16 and 18 have been amended and Applicant respectfully requests that the 35 U.S.C. § 101 rejection of claims 16 and 18 now be withdrawn.

IV. Rejections under 35 U.S.C. § 102(e)

Claims 1, 3-7, 10, 11, 14, 15, 18 and 19 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by US 2004/0130653 to Nanjo, et al. (hereafter, "Nanjo").

Claims 1, 2, 8, 9, 12, 13, 16 and 17 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,199,830 to Tanaka, et al. (hereafter, "Tanaka").

Applicant respectfully requests reconsideration of the pending claims in view of the amendments now presented herein. For example, independent claim 1 has been amended for further clarification to recite, *inter alia*:

An image sensing apparatus having at least a filter
insertion/removal device which is operated by a user and inserts and removes an
optical filter for reducing a light quantity to an image sensing element serving as
an optical system, comprising:...

a brightness value correction device which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user;

Applicant respectfully submits that Nanjo and Tanaka, taken either alone or in combination, do not teach or suggest an image sensing apparatus comprising "a brightness value correction device which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user" as recited in at least amended claim 1. Independent claims 3, 8, 10, 12, 14, 16 and 18 have been amended to recite similar features to amended claim 1 as described herein.

Applicant submits that conventionally, an exposure amount is changed on the basis of an object brightness B_v which is calculated from an aperture value, shutter speed, and sensitivity of an image sensor. However, when a ND filter is manually inserted in the optical system, the exposure control cannot be properly performed. By contrast, the claimed invention achieves correct exposure control by correcting the B_v value when the ND filter is manually inserted.

The Office Action asserts that Nanjo discloses the above recitation and that "it is inherent that a second luminance value is detected after diaphragm blades and ND filter are controlled by an amount due to the control feedback camera system 50". (Office Action, page 4)

However, Nanjo relates to controlling diaphragm blades 2, 3 and an ND filter 17 of the exposure control mechanism 1. Nanjo discloses in paragraphs 0097-0099 that:

"The CPU 55 previously stores a target value as a reference for the brightness of the subject, and an error amount is given by a ratio of the target value to the detected value (see Formula 1 in FIG. 6). The error amount represents an error amount regarding the amounts by which the diaphragm blades 2, 3 and the ND filter 17 are controlled at present. ... In other words, this step decides how far the diaphragm aperture 15 is maximally narrowed from a reference state in which the diaphragm blades 2, 3 are open (see a range A in FIG. 7). ... Subsequently, a control range of the ND filter 17 (see a range B in FIG. 7) is decided. This step is to decide the position at which advance of the ND filter 17 is started."

Nanjo does not teach or suggest calculating a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by

manually inserting the optical filter by the filter insertion/removal device operated by the user, as required by at least amended claim 1.

With respect to Tanaka, the Office Action asserts that Tanaka discloses the above recitation and that “it is inherent that a second luminance value is detected after when step 125 or 121 goes back to step 101”. (Office Action page 8) However, figure 7 does not disclose or suggest that the process goes back to step 101 after step 125 or 121. In fact, figure 7 discloses that the process stops after step 125 or 121.

Tanaka discloses that “[i]n parallel with the insertion of the ND filter 92, the main controller 218 drives the AF motor 305 for moving the position of the taking lens 9, especially the position of the compensator lens in order to compensate the movement of the focal plane due to the insertion of the ND filter 92 (Step #115).” (column 11, lines 31-36) Tanaka does not teach or suggest calculating a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by manually inserting the optical filter by the filter insertion/removal device operated by the user, as required by at least amended claim 1.

Therefore, Applicant submits that amended independent claims 1, 3, 8, 10, 12, 14, 16 and 18 are distinguishable over Nanjo and Tanaka, taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejection of claims 1, 3, 8, 10, 12, 14, 16 and 18 under 35 U.S.C. §102(e) is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

Applicant has not specifically addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend, either directly or indirectly, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

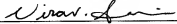
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. **1232-5142**. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No **13-4500**, Order No. **1232-5142**. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 22, 2008

By: 
Nirav S. Amin
Registration No. 60,884
(212) 415-8700 Telephone
(212) 415-8701 Facsimile

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101